

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

VICTOREA PETERSON

Plaintiff,

v.

NORTH CAROLINA STATE
BOARD OF ELECTIONS;
DURHAM COUNTY
BOARD OF ELECTION;
ALEJANDRA JAVIERA CABALLERO

Defendants.

Case No. 1:20CV260

Jury Trial: Yes ___ No ☒



COMPLAINT FOR A CIVIL CASE

Because of my visual and hearing disability, I am using assistive technology to assist me with filing this Complaint for a Civil Case in The Middle District Of North Carolina.

At this present time I am representing myself.

Jurisdiction: The Middle District Of North Carolina / I live in Durham North Carolina

Federal Question

The United State Constitution Amendment 14: Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.

The United State Constitution Amendment 15: Section 1. Right of citizens to vote race or color not to disqualify.

North Carolina Constitution: Article VI: Section 1. You must be born in the United State or naturalized to vote in North Carolina.

The Main Issue

Mrs. Alejandra Javiera Caballero ran for Durham City Council in 2019, at several candidate forms she informed the public that she was brought here to the United States. To this day she refuses to show any documentation that she is a naturalized citizen of the United States. Because of what the United State Constitution states you must be a citizen or naturalized to vote and run for public office and to hold public office here in the United States and Durham North Carolina.

Who am I?

My name is Victoria Peterson I am a citizen of the United States. I was born in Plainfield New Jersey in 1953. I moved to the state of North Carolina in 1973 to attend North Carolina Central University. I have been living in Durham North Carolina for more than 40 years.

Issue

I Victoria Peterson was a candidate for the Durham City Council in the October 8, 2019 Municipal Primary Election. This was an At-large race. Three seats were available the top six candidates will go to the General Election. The general election would take place in November 2019. Altogether there were 10 candidates for the primary election.

Two weeks before the primary election I spoke to the director of the Durham County Board of Election. I shared with him my concerns about candidate Alejandra Javiera Caballero. At several of the candidate forms Ms. Caballero informed the public on several occasions that she was brought here to the United States with her family from Chile. She never informed the public that she has received her immigration certificate allowing her to vote and run for public office.

The United States Constitution and North Carolina Constitution there's only two ways that a person can vote in this country either you are a U.S. Citizen or either you are naturalized with voting privileges. I asked the director had the Durham County Board investigated into Ms. Caballero citizenship in the United States. He informed me that each register voter in Durham fills out a North Carolina voter registration application. If this is true I have had a chance to look at Ms. Caballero voter registration application her answers on her application greatly concerns me. She stated on her application that she was a citizen of the United States of America. She also states that the state of her birth is OC. In the United States we do not have any states that have an initial as OC. I can only imagine that OC must mean outside of the country. Ms. Caballero has never mentioned that her father or mother were members of the U.S. Military she did informed the public that her father was working on a Masters degree. Ms. Caballero also informed the public that she was brought to the United States from Chile at the age of nine and became a U.S. citizen at the age of 14 this is in possible. To even start the process of becoming a naturalized citizen with voting rights in the United States you at lease have to be here in the United States for at least five years, to even begin the process of naturalization of citizenship.

What did the Durham County Board of Election do about my concerns about Ms. Alejandra Javiera Caballero?

I Victoria Peterson (Petitioner) file an election protest by personally delivering to the Durham County Board of election on October 10, 2019, the next day on October 11, 2019 I received a phone call from one of the staff members of the Durham County Board of election informing me that there was going to be a meeting that night at 7 PM to discuss my partition to the Durham County Board. I was also informed that I would not be able to speak during this time of the board meeting when they would be addressing my concerns. What bothers me about how this was handled I cannot believe less than 24 hours I was called to

sit in on a regular election board meeting of the Durham County Board of Election that had not even had my complaint for 24 hours and they were already willing and making decisions on my concerns about Mrs. Alejandra Javiera Caballero if she was a naturalized citizen with voting privileges here in the United States. All of this was done in less than 24 hours. The board reviewed and considered the protest pursuant to in NCGS 163-182.10. After giving preliminary consideration to the protests, the board entered its unanimous decision to dismiss the protest pursuant to NCGS 163-182.10(a) (1).

Why I requested a preliminary hearing.

The North Carolina G.S163-182.10 allows me to go before my local Durham County Board of election to present my concerns of election laws violation that I feel was taken place during the Durham City Primary Election 2019. This statue allows me to present my concerns to my local Durham County Board of Election. This statue does not allow a local Board to deny a citizen there right to present their concerns to the local board of voting irregularities and violation. The state law is quite clear allowing voters or candidates to bring an election protest alleging a defect in the way votes were counted or allocating some of other violations of election law, there regularities or misconduct.

I was quite clear in forming the Durham County Board of Election and the North Carolina State Board of Election of several voting violations that was taken place here in the city of Durham North Carolina.

How did the North Carolina State Board of Election handle my Partition and Preliminary Hearing?

“It is therefore the recommendation of the Executive Director that this matter be dismissed because it fails to comply with the filing requirements for election protest appeals and fails to allege candidate was not eligible to run for the office sought.” N.C. State Board Of Election

“This agency should not tolerate spurious allegations that abuse our State’s electoral process. Election protest must be based on facts and evidence, not fear and intolerance. For these reasons, as the Executive Director, I recommend the State Board take no action on this matter. If no member raises any oral or written objection to the recommendation on for October 18, 2019, the protest appeal will be administratively dismissed, and partition are will be notified accordingly. This statement comes from Ms. Karen Brinson Bell, Executive Director of the North Carolina state Board of election.” N.C. State board of Election

My concerns are real as I have already stated Ms. Alejandra Javiera Caballero is the one who informed the public that she was brought here from another country. The U.S. Constitution and the North Carolina Constitution states that you have to be either a United States Citizen or Naturalized Citizen to be able to vote in a Federal or State or Local Elections in this country and in the state of North Carolina. North Carolina seems to have a history over the last several years of persons coming into the country and coming into North Carolina registering and voting. Many of these individual are not U.S. Citizens once investigation was done these persons were found out to be in violating of the U.S. Constitution on voting rights. Most of these individuals were found guilty of committing constitutional violations dealing with voting issues as well as violating the North Carolina Constitution on voting issues. Here are just a few

names of individuals who violated the North Carolina voting laws and voted here in the state and this problem has been going on for quite a few years. Joshua Workman, Robert Dean Hudson, Dew Gidcumb, Eduard Charles these are just a few names of individuals who have violated the North Carolina Constitution on voting rights. So I believe when a person publicly volunteers information that they were brought to this country and have not shown the public any proof that they are US citizens or either naturalized citizens with the power to be able to vote citizens who were born and raised in this country and in the state of North Carolina we have a right to ask questions about individuals representing us on City Councils, County Commissioners as well as the North Carolina General Assembly. We who are United States citizens have a right to ask anyone who has come into this country and who are voting we have a right to ask them to show us their legal documentation of their citizenship here in the United States.

North Carolina Superior Court (ORDER OF DISMISSAL)

Attorney (Paul M. Cox) for the State Board of Election asks Judge Michael A. Stone to dismiss my complaint. The reason he stated was because Ms. Caballero had been sworn into office and has taken her seat on the Durham City Council and because of that I was no longer in the right jurisdiction for Judge Stone to hear my case in the Wake County Superior Court Division. Because I was appealing the North Carolina State Board Of Election and state law requires me to put my complaint in the Wake County Court System even though I live in Durham County. That's what the law says that's why I was in Wake County Court and I do not believe that my case should have been dismissed. I paid \$200.00 to have my complaint heard and additional \$30.00 for the Sheriff Department to serve my complaint to the North Carolina State Board of Election. Since my complaint was dismissed I should have receive monies back, which I have not.

So this is what my complaint is all about. I feel that the Durham County Board of Election and the North Carolina State Board of Election should have investigated my concerns about Ms. Alejandra Javiera Caballero running for public office and voting in Durham. Mrs. Caballero has not showed if she has legal Naturalized Citizenship here in the United States that gives her the voting power to vote over the last several years as well has giving her permission to sit on the Durham City Council where she makes decisions on various issues that affect Durham citizens. Mrs. Caballero receives a salary each month from the taxpayers that live in the City of Durham North Carolina.

I am questing a hearing with the United State District Court For The Middle District of North Carolina about my concerns with these voting issues and immigration problem.

Punitive Damages

I am requesting damages from the North Carolina State Board of election \$750,000.
I am requesting damages from the Durham County Board of Election \$350,000.

Compensatory Damages

I am requesting compensatory damages from the North Carolina State Board of Election \$150, 000.
I am requesting compensatory damages from The Durham County Board of Election \$150,000.

I agree to provide the clerk's office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the clerk's office may result in the dismissal of my case.

Date of signing: March 18, 2020

Signature of Plaintiff: *Mrs. Victoria Peterson*

Printed Name of Plaintiff Victoria Peterson

Mrs. Victoria Peterson
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